

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P 43668 WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/011589	International filing date (<i>day/month/year</i>) 15.10.2004	Priority date (<i>day/month/year</i>) 11.12.2003
International Patent Classification (IPC) or national classification and IPC D01H4/02, D01H1/115		
Applicant MASCHINENFABRIK RIETER AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input checked="" type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-6 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-4 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/2-2/2 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1.	Statement		
	Novelty (N)	Claims <u>1-4</u>	YES
		Claims _____	NO
	Inventive step (IS)	Claims <u>4</u>	YES
		Claims <u>1-3</u>	NO
	Industrial applicability (IA)	Claims <u>1-4</u>	YES
		Claims _____	NO
2.	Citations and explanations (Rule 70.7)		
1.	Reference is made to the following documents:		
	D1: US-A-4 412 413 (SAKAI ET AL) 1 November 1983		
	D2: DE 19 45 915 U (SOCIETE ANONYME DES ETABLISSEMENTS NEU) 8 September 1966		
2.	The present application does not meet the requirements of PCT Article 33(1) because the subject matter of independent claim 1 does not involve an inventive step (PCT Article 33(3)). The reasons are as follows:		
2.1	Document D1 is considered the prior art closest to the subject matter of claim 1 and discloses (the references between parentheses refer to that document): device for producing a spun thread from a staple fibre composite (column 1, lines 7-15), with a drafting arrangement that comprises a pair of delivery rollers (6), with an air-jet assembly (1) downstream of the drafting arrangement, said air-jet assembly containing (column 3, lines 1-4) an eddy chamber with an exhaust air channel (11, 17,		

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
	<p>3, 2), and with at least one cleaning channel (20, 3, 2), a suction opening of which is associated with the pair of delivery rollers, the cleaning channel (20, 3, 2) being connected to the exhaust air channel (3, 2) by means of a mouth.</p> <p>2.2 The subject matter of claim 1 thus differs from D1 in that a compressed air aperture (22) of an injection channel (21), which reinforces the negative pressure of the exhaust air channel (12, 14) when required, is provided in the region of the mouth (20).</p> <p>2.3 The present invention can therefore be considered to address the problem of strengthening the suction effect of the exhaust air channel (12, 14) when needed.</p> <p>2.4 A person skilled in the art is, however, generally familiar with the use of compressed air apertures in exhaust air channels for discharging threads and residual fibres in order to produce a suction effect; see, for example, D2, page 3, line 1 to page 4, line 10.</p> <p>2.5 If a person skilled in the art wished to develop a device according to the closest prior art in D1 so as to reinforce the suction effect in the exhaust air channel (3, 2) when needed, he could easily use compressed air apertures in the exhaust air channel in order to achieve the desired effect. In this way he would arrive at a device as per</p>

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	<p>claim 1 of the present application without thereby being inventive.</p> <p>3 Dependent claims 2 and 3 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step. The reasons are as follows:</p> <p>3.1 The feature of claim 2 can be found in figure 2 of document D1.</p> <p>3.2 The feature of claim 3 is an obvious structural possibility.</p> <p>4. The combination of features contained in dependent claim 4 is neither disclosed nor suggested by the available prior art. That feature combination thus meets the PCT requirements in respect of novelty and inventive step.</p>

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Box No. VI

Certain documents cited

1. Certain published documents (Rule 70.10)

Application No.
Patent No.Publication date
(day/month/year)Filing date
(day/month/year)Priority date (valid claim)
(day/month/year)

See Supplemental Box

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure
(day/month/year)Date of written disclosure
referring to non-written disclosure
(day/month/year)

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: **BOX VI**

Document DE 10311826 A1 discloses a device which is more similar to the device defined in the application description than the device that is disclosed in D1.

DE 10311826 A1, however, was published on 23 September 2004 and the application, which has a filing date of 15 October 2004, claims the priority date of 11 December 2003.